

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Francois PUJOL et al.

Title: USE OF 14,15-DIHYDRO-20,21-
DINOREBURNAMENIN-14-OL
FOR THE TREATMENT
AND/OR PREVENTION OF
SERIOUS DEPRESSION AND
SLEEP/WAKING CYCLE
DISORDERS

Appl. No.: 10/587,270

International Filing Date: 1/27/2005
371(c) Date: 7/26/06

Examiner: Kathrien Ann Cruz

Art Unit: 1617

Confirmation Number: 8373

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respond to the Office Action dated July 22, 2009 and petition for extension of time. Applicants elect, without traverse, a treatment resistant depression (TRD), which is a major depression in patients, who are partially or totally resistant to treatment by classical antidepressants, as a single species of disorder. Applicants respectfully submit that the specification as filed discusses TRD in a greater detail on page 5, line 15 through page 6, line 7 and on page 7, line 19-24.

As for the election of one compound of formula I, Applicants respectfully submit the compound of formula I is the 14,15-dihydro 20,21-dinoreburnamenin 14-ol. Applicants submit that this compound of formula I has two enantiomeric forms (3α and 16α) and each of these two enantiomeric forms has two diastereoisomers due to the configuration of carbon 14. If the PTO insists of electing a particular form of the compound of formula I, Applicants respectfully elect, without a traverse, the compound of formula I in a form of a racemic mix.

Applicants identify claims 12-16 and 18-22 as readable of the elected species.

Applicants respectfully request examination of the non-elected species in the present application should the PTO find claims directed to the elected species allowable.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 22, 2009 By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4632
Facsimile: (202) 672-5399

Alexey V. Sapargin
Agent for Applicant
Registration No. 56,439